

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

v.

No. 15-CR-4277 WJ
No. 18-CV-376 WJ/KRS

JARVIS JOHNSON,

Defendant/Movant.

ORDER

This matter is before the Court *sua sponte* in connection with Defendant/Movant Jarvis Johnson's 28 U.S.C. § 2255 habeas proceeding. On April 23, 2018, Defendant/Movant initiated a § 2255 proceeding by filing a § 2255 Motion in his criminal case, No. 15-CR-4277, and the Government filed a Response to the § 2255 Motion. *See* (Docs. 60 and 68, filed in No. 15-CR-4277). These documents and others relating to Defendant/Movant's § 2255 Motion have not been filed in the civil case, No. 18-CV-376, so the Court will direct the Clerk to file these documents in the civil case and add contact information for Defendant/Movant and the Government to the civil case docket. Pursuant to the Court's current procedures for § 2255 Motions, subsequent documents relating to Defendant/Movant's § 2255 Motion should be filed in the civil case only, with the exception of the order disposing of the motion which should be filed in both the civil and criminal cases.

In addition, it appears that Defendant/Movant has not updated the Court with his current address and may not have received the United States' Response to the § 2255 Motion. While

the Court previously ordered an update to Defendant/Movant's addressed based on information from the Bureau of Prisons' online inmate finder, (*see* Doc. 70, filed in No. 15-CR-4277), that address is no longer accurate and Defendant/Movant has not notified the Court of his current address. Under Local Civil Rule 83.6, Defendant/Movant has a continuing duty to notify the Court, in writing, of any changes to his mailing addresses. The Court will direct the Clerk to send to Defendant/Movant's last known mailing address a copy of this Order and the Government's Response to the § 2255 Motion. Defendant/Movant is ordered to notify the Court of his current address by December 14, 2020 if he wishes to continue to prosecute this action.

See D.N.M.LR-Civ. 83.6 (*pro se* parties have a continuing duty to notify the Court of their current address); *Brandenburg v. Beaman*, 632 F.2d 120, 122 (10th Cir. 1980) ("It is incumbent on litigants, even those proceeding *pro se*, to follow the federal rules of procedure. ... The same is true of simple, nonburdensome local rules.") (citations omitted).

IT IS THEREFORE ORDERED that the Clerk is directed to: (1) file documents relating to Defendant/Movant's § 2255 Motion in case No. 18-CV-376, specifically Docs. 60, 61, 64, 65, 66, 67, 68, 69, and 70, from case No. 15-4277; (2) add contact information for Defendant/Movant and the Government to case No. 18-CV-376; and (3) mail Defendant/Movant a copy of this Order and the Government's Response to the § 2255 Motion.

IT IS FURTHER ORDERED that Defendant/Movant shall update his address no later than December 14, 2020.



UNITED STATES MAGISTRATE JUDGE